

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:14-MJ-1039-BO-1

FILED

APR 25 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY JD DEP CLK

UNITED STATES OF AMERICA,)
)
)
v.)
)
KENNETH WHEATLEY,)
)
Defendant.)
_____)

ORDER


This matter came before the Court on April 17, 2014 for a scheduled initial appearance and detention hearing. During that hearing, concerns about the defendant's mental state arose and the hearing was continued in order to allow defense counsel time to consider defendant's mental state. On April 24, 2014, at 3:00 p.m., the Court held a second detention hearing. At that hearing concerns about the defendant's mental state again arose. The Court notes that a defendant's mental condition is one of the factors to be considered by the Court in evaluating the defendant's history and characteristics with respect to whether any conditions of release would reasonably assure the defendant's appearance at further court proceedings and the safety of the community. 18 U.S.C. § 3142(g)(3)(A). In this regard, the Court finds that a psychological evaluation conducted at FMC Butner would aid the Court in determining the propriety of releasing the defendant on conditions.

Accordingly, the Court hereby ORDERS that Mr. Kenneth Wheatley undergo a psychological evaluation at FMC Butner or such other suitable facility as may be designated. Such evaluation shall be conducted as soon as possible. The defendant is DIRECTED to provide copies of all medical records to the evaluating professional who shall also have access to any

pretrial services reports completed on the defendant. Moreover, the defendant's detention hearing is CONTINUED to May 5, 2014. Any delay that results from this order is excluded from Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A), the court finding that the interests of justice served by the additional time required to assess defendant's mental state outweigh the best interests of the public and defendant in a speedy trial. The Clerk is DIRECTED to provide a copy of this order to the United States Marshals Service.

SO ORDERED,

this 25 day of April, 2014.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE